

EXECUTIVE BOARD

WEDNESDAY, 9TH MARCH, 2011

PRESENT: Councillor K Wakefield in the Chair

Councillors A Blackburn, J Blake, S Golton,
P Gruen, R Lewis, T Murray, A Ogilvie and
L Yeadon

Councillors J Dowson and R Finnigan – Non-Voting Advisory Members
Councillor J Procter – Substitute Member

176 Substitute Member

Under the terms of Executive Procedure Rule 2.3, Councillor J Procter was invited to attend the meeting on behalf of Councillor A Carter.

177 Exempt Information - Possible Exclusion of the Press and Public

RESOLVED – That the public be excluded from the meeting during consideration of the following parts of the agenda designated as exempt on the grounds that it is likely, in view of the nature of the business to be transacted or the nature of the proceedings, that if members of the public were present there would be disclosure to them of exempt information so designated as follows:-

- (a) Appendices A and B, together with Plans 1 to 3 to the report referred to in Minute No. 181, under the terms of Access to Information Procedure Rule 10.4(3) and on the grounds that the documents include exempt information relating to the financial or business affairs of a private developer and the Council and the public interest in maintaining the exemption outweighs the public interest in disclosing the information because if disclosed, it may prejudice the development of the project and may adversely affect the business of the Council and the interests of the private developer.
- (b) Appendix 2 to the report referred to in Minute No. 182, under the terms of Access to Information Procedure Rule 10.4(5) and on the grounds that it contains information relating to negotiations in connection with industrial relations and information in respect of which a claim to legal professional privilege could be maintained in legal proceedings. It is considered that in these circumstances that the public interest in maintaining the exemption from publication outweighs the public interest in disclosing the information.
- (c) The Appendix to the report referred to in Minute No. 184, under the terms of Access to Information Procedure Rule 10.4(3) and on the grounds that this report contains commercially sensitive information on the City Council's approach to procurement issues, and commercially

sensitive pricing and information about the commercial risk position of the City Council's proposed Preferred Bidder, where the benefit of keeping the information confidential is considered greater than that of allowing public access to the information.

178 Declaration of Interests

Councillors Wakefield, Blake, Gruen, R Lewis, Murray, Ogilvie, Yeadon, Dowson, Golton and Finnigan all declared personal interests in the item entitled, 'Attendance and Exclusions Report 2009/2010' due to any positions they held in respect of school governorships. (Minute No. 190 refers).

Councillor Murray declared a personal interest in the item entitled, 'Eastgate Quarter: Amendment to Legal Documentation and Commercial Deal', due to being a Director of igen, an organisation occupying buildings within the Eastgate Quarter which were within the area covered by the related Compulsory Purchase Order. (Minute No. 181 refers).

A further declaration of interest was made at a later point in the meeting. (Minute No. 188 refers).

179 Minutes

RESOLVED – That the minutes of the meeting held on 11th February 2011 be approved as a correct record.

DEVELOPMENT AND REGENERATION

180 The Cardigan Centre

Further to Minute No. 83, 13th October 2004, the Chief Asset Management Officer submitted a report outlining proposals to grant the current occupier of the Cardigan Centre a sublease for a term equivalent to the remainder of the Council's ground lease less one day at a peppercorn rent.

The report noted that Equality, Diversity, Cohesion and Integration screening had been undertaken in respect of the proposals detailed within the submitted report, and that the outcomes from which were available upon request.

RESOLVED - That, being satisfied that the disposal of the land is likely to promote or improve the economic, social and/or environmental wellbeing of the area or of local residents, approval be given to the granting of a sublease of the subject property on a less than best basis for the remainder of the term held by the Council, less one day, to The Cardigan Centre.

181 Eastgate Quarter: Amendment to Legal Documentation and Commercial Deal

The Acting Director of City Development submitted a report providing an update on the Eastgate redevelopment scheme, whilst also seeking the necessary approvals to enter into deeds of variation in respect of the Compulsory Purchase Order Indemnity Agreement and the Development Agreement which were in place to facilitate the redevelopment project.

Following consideration of appendices A and B, together with plans 1 to 3 of the submitted report, designated as exempt under Access to Information Procedure Rule 10.4(3), which were considered in private at the conclusion of the meeting it was

RESOLVED -

- (a) That the contents of the submitted report and the current position of the project be noted.
- (b) That approval be given to the proposed changes to the existing Compulsory Purchase Order (CPO) Indemnity Agreement and that the Acting Director of City Development request the Assistant Chief Executive (Corporate Governance) to complete all necessary legal documentation to vary the existing CPO Indemnity Agreement as per the information provided within exempt appendix A to the submitted report.
- (c) That approval be given to the Heads of Terms for the changes to the existing Development Agreement containing the commercial deal, and that the Acting Director of City Development request the Assistant Chief Executive (Corporate Governance) to complete all necessary legal documentation to vary the existing Development Agreement as per the information provided within exempt appendix B to the submitted report.
- (d) That if any further alterations, within the broad terms of the documentation, as set out within the exempt appendices A and B, are necessary to enable the completion of the legal documentation, approval be given for these to be dealt with under the appropriate scheme of delegation, with the concurrence of the Executive Member for Development and Regeneration.

(The matters referred to in this minute were designated as not being eligible for Call In, as a delay in the completion of the legal documentation as soon as practically possible could result in the Council losing the ability to use the existing Compulsory Purchase Order (CPO) within its current timeframe, which would result in the redevelopment not being able to proceed)

182 Future Options for Architectural Design Services

The Acting Director of City Development submitted a report summarising the options available regarding the replacement of the Council's internal design service and which sought in principle approval to transfer the service into a joint venture arrangement with Norfolk Property Services, subject to detailed consideration and a further report being submitted to Executive Board in July 2011.

The report noted that an Equality Impact Assessment had been completed in respect of the proposals detailed within the submitted report, and that the outcomes from which were available upon request.

The report presented the following options, which had been considered in relation to the Council's internal design service:-

- Option 1: Proposal submitted by staff
- Option 2: Jacobs secondment proposal
- Option 3: Local Authority Joint Venture arrangement with Norfolk Property Services
- Option 4: Separate procurement of design services for individual jobs and/or use available frameworks (e.g. Office of Government Commerce)
- Option 5: Usage of existing framework available within Leeds City Council (e.g. the Local Education Partnership or Public Private Partnerships Unit's technical advisor contract)
- Option 6: Procurement of a new external design framework
- Option 7: Procurement of a new design partner
- Option 8: Establishment of a Joint Venture arrangement with a private sector company
- Option 9: Shared service or Joint Venture arrangement with another local authority

Following consideration of appendix 2 to the submitted report, designated as exempt under Access to Information Procedure Rule 10.4(5), which was considered in private at the conclusion of the meeting it was

RESOLVED -

- (a) That the formal consultation about ceasing the service be concluded, and that the proposal to cease the in-house Architectural Design Service in its current form be agreed.
- (b) That approval be given to beginning the process of decommissioning the service in the most appropriate way in order to optimise the current and future business needs.
- (c) That the establishment of a joint venture arrangement with Norfolk Property Services (NPS) be explored as the preferred route and subject to further detailed consideration, this matter be reported back to Executive Board in July 2011.
- (d) That further to resolution (c) above, officers also explore alongside this in more detail the option to separately procure design services using existing frameworks where appropriate e.g. Office of Government Commerce (OGC).

ENVIRONMENTAL SERVICES

183 2010 Domestic Energy Report

The Director of Environment and Neighbourhoods submitted a report presenting for approval the Domestic Energy Report for the period 1st April 2009 to 31st December 2010.

The 2010 Domestic Energy report was appended to Board Members' agendas for their consideration and had also been made available to others electronically.

RESOLVED –

- (a) That the content of the 2010 Domestic Energy Report be noted and approved.
- (b) That a further report be submitted to the 30th March 2011 Executive Board meeting in respect of energy efficiency and carbon saving initiatives currently being developed.

NEIGHBOURHOODS AND HOUSING

184 Little London and Beeston Hill and Holbeck PFI Housing Project - Final Business Case and Contract Award

Further to Minute No. 149, 9th December 2009, the Director of Environment and Neighbourhoods submitted a report outlining the final scope of the Little London and Beeston Hill and Holbeck Housing PFI Project, proposing the submission of the 'Pre-Financial Close Final Business Case' to Communities and Local Government (CLG) through the Homes and Communities Agency (HCA), detailing the anticipated affordability position for the Project and detailing proposals regarding the execution of the contract documentation for this Project.

The report noted that the Project had been the subject of an Equality Impact Assessment, which had been completed in January 2010 and subsequently reviewed in June 2010. In addition, the report provided details of the outcomes from the assessment process.

The Chair and the Executive Member for Neighbourhoods and Housing thanked Members for the supportive comments which had been received from all political groups in relation to the development of this Project.

The Chief Executive updated the meeting on the current status of the approval process for the Project, with Members noting that implementation of the close arrangements contained within the submitted report were dependent upon CLG approval of the Pre-Preferred Bidder Final Business Case (PPB FBC) being received.

Following consideration of the appendix and related annexes to the submitted report, designated as exempt under Access to Information Procedure Rule 10.4(3), which were considered in private at the conclusion of the meeting it was

RESOLVED –

- (a) That the contents of the submitted report be noted.

- (b) That the final scope of the Little London, Beeston Hill and Holbeck PFI Project ('Project'), as set out within the submitted report, be confirmed.
- (c) That the submission of the Pre-Financial Close Final Business Case (PFC FBC) to the Homes and Communities Agency and Department for Communities and Local Government be approved, and that the Director of Environment and Neighbourhoods be authorised to approve any necessary amendments to the PFC FBC that arise.
- (d) That the financial implications for the City Council of entering into the Project be approved and that the anticipated affordability contribution for the City Council in relation to the Project in the first full year of service commencement, as set out within the exempt appendix to the submitted report, be noted.
- (e) That the financial issues covered within the exempt appendix of the submitted report, including the balance sheet treatment, be noted.
- (f) That it be noted that the proposed Preferred Bidder will be formally announced and appointed (under the terms of a preferred bidder letter) following HCA/CLG approval of the Pre-Preferred Bidder Final Business Case (PPB FBC) for the Project.
- (g) That approval be given to the arrangements to Financial Close and implementation of the Project, to include (but not by way of limitation) (following the appointment of the proposed Preferred Bidder) the award of contract to and entry into a PFI Project Agreement with a special purpose company, to be established under terms agreed between the City Council and the proposed Preferred Bidder, details of which are set out in the opening paragraph of the exempt appendix to the submitted report.
- (h) That the arrangements at section 7.0 of the submitted report be confirmed, and (for the avoidance of doubt) the Director of Environment and Neighbourhoods (or delegee) be authorised to exercise the delegated powers, as set out at Part 3 Section 3E of the Constitution regarding PPP/PFI and other Major Property and Infrastructure Related projects, in relation to this Project.
- (i) That authority be delegated to the Director of Environment and Neighbourhoods to approve the completion of the Project should the SWAP rate increase at the time of Financial Close, subject to the Project remaining within the maximum affordability ceiling approved by Executive Board and as set out within the exempt appendix to the submitted report.
- (j) That, without prejudice to the approvals under paragraphs (a) to (i) above, should it become necessary at any time for further decisions to be taken to amend the scope and/or affordability of the Project prior to the next scheduled meeting of Executive Board, authority to take such

decisions be delegated to the Director of Environment and Neighbourhoods, subject to Executive Board Members being consulted in the manner now discussed prior to the decisions being taken, and provided that any such decisions shall be reported back to the next scheduled meeting of the Board for information.

185 Government Office for Yorkshire and the Humber

Given the imminent closure of the Government Office for Yorkshire and the Humber, with the Board's agreement, the Chief Executive on behalf of the Board undertook to write to Felicity Everiss, Regional Director of the Government Office, and her staff, formally thanking them for their continued support and assistance on the development of numerous initiatives throughout the city, including the current Little London and Beeston Hill and Holbeck PFI Housing Project (Minute No. 184 refers).

CHILDREN'S SERVICES

186 Ofsted Annual Unannounced Inspection of Contact, Referral and Assessment Arrangements in Children's Services

The Director of Children's Services submitted a report providing details of the Ofsted Unannounced Inspection of Children's Services' Contact, Referral and Assessment Arrangements, which took place during January 2011.

On behalf of the Board, the Chair and the Executive Member for Children's Services paid tribute to and thanked all staff within Children's Services for the work they had undertaken to help achieve such a positive outcome.

RESOLVED -

- (a) That the outcomes of the Ofsted unannounced inspection be noted.
- (b) That the significant positive impact made overall since the unannounced inspection in July 2009 be acknowledged, and that the significant efforts of all those who have contributed towards this achievement be recognised.
- (c) That regular progress reports be submitted to the Board in relation to the 'Areas of Development' identified via the Unannounced Ofsted Inspection, particularly in relation to the development of a new ICT system.

187 Children's Services Improvement Update

Further to Minute No. 132, 15th December 2010, the Director of Children's Services submitted a report providing an update on the improvement and development activity in respect of children's services which had been undertaken since the consideration of the last update report in December 2010.

The report noted that an equality impact assessment was being undertaken in respect of the new Children and Young People's Plan, and that the outcomes from which would inform the final content of the plan.

RESOLVED -

- (a) That the stock take of progress made by the Improvement Board be noted.
- (b) That the significant positive impact made overall since the unannounced inspection in July 2009 be acknowledged.
- (c) That the use of outcomes based accountability as the central methodology to help drive the delivery of the priorities in the new Children and Young People's Plan be endorsed.
- (d) That the continuing progress made in respect of service design and transformation activity, to support better integrated working in children's services, be noted.

188 Basic Need Programme for Primary Schools 2011

Further to Minute No. 38, 21st July 2010, the Director of Children's Services submitted a report providing an update on the programme of approved expansions at Primary Schools in Leeds and proposing to consolidate into the programme, capital proposals which had been developed following the consideration of reports at previous Executive Board meetings. In addition, the report also sought the Board's approval regarding proposals in respect of the scheme's expenditure.

RESOLVED -

- (a) That the capital proposals outlined for the schools, as scheduled within the submitted report, be approved.
- (b) That scheme expenditure of £5,102,000 from 'Basic Need Primary Expansions 2011' capital scheme number 15821 be authorised in order to allow the Basic Need programme for 2011 to be delivered.
- (c) That the Director of Resources be authorised to give delegated approval to all of the schemes detailed within the submitted report, including those with an estimated cost of over £500,000, based on individual scheme reports which are to be submitted by the Chief Executive of Education Leeds / Director of Children's Services.

(Councillor A Blackburn declared a personal interest in this item, due to being a governor of Ryecroft Primary School, which was the subject of proposals within the submitted report).

189 Whitkirk Primary School - Basic Need and Physical Disabilities Resource Base

Further to Minute No. 237, 19th May 2010, the Chief Executive of Education Leeds submitted a report outlining proposals to proceed with a second phase of works at Whitkirk Primary School. In addition, the report also sought authority to incur the expenditure required to deliver the proposals.

In response to Members' comments, officers undertook to pursue enquiries regarding the inclusion of a 'pick up and drop off' point within the scheme.

RESOLVED -

- (a) That authority be given to proceed with Phase 2 of the capital works to provide Resource Provision status and create an additional 2 classrooms in order to allow for the increase in pupil numbers as part of the Basic Need programme at Whitkirk Primary School, at an estimated total scheme cost of £541,895.
- (b) That authority be given to incurring expenditure of £541,895 from capital scheme number 15821/WHI/000.

190 Attendance and Exclusions Report 2009/2010

The Director of Children's Services submitted a report providing detailed analysis and review of data with regard to levels of attendance and persistent absence, permanent and fixed term exclusions in Leeds schools during the period September 2009 and April 2010.

As part of a wider discussion, Members highlighted the potential role of school governors and Elected Members in reducing levels of persistent absence, in addition to permanent and fixed term exclusions.

RESOLVED -

- (a) That the contents of the submitted report be noted, and that the work of the range of partners, which include the Area Inclusion Partnerships, clusters, children's services and schools to promote inclusion and good attendance, be celebrated and endorsed.
- (b) That the conclusions and proposed and on-going actions detailed within the submitted report be endorsed.

LEISURE

191 Long Term Burial Supply for North East Leeds: Whinmoor Grange Cemetery Design and Cost Report and Draft Whinmoor Grange Informal Planning Statement

Further to Minute No. 153, 3rd December 2008, the Acting Director of City Development submitted a report providing an update on the progress made regarding the supply of burial space within north east Leeds, the preparation of a masterplan for the Whinmoor Grange site and the outcome of feasibility works undertaken to explore the potential to deliver a 5 acre cemetery on the site of the former Elmete Caravan Park. In addition, the report also sought approval of the Draft Planning Statement for Whinmoor Grange as a basis for public consultation, whilst also seeking approval to the incurring of related expenditure.

The report noted and provided details of an Equality Impact Assessment which had been undertaken in 2008 in respect of the proposed 50 year Burial Strategy, a matter which was considered by the Board at that time. However,

since 2008, the report highlighted that there had been consultation with planning, legal, highways and specific faith groups, in addition to site visits with Ward Members, in relation to the proposals to develop Elmete and Whinmoor. The report also noted that the Equality Impact Assessment would be updated to reflect the ongoing consultations which were being undertaken with all faith groups in relation to the city's long term burial supply.

RESOLVED –

- (a) That the current position regarding the implementation of the proposals agreed at the Executive Board meeting in December 2008 be noted.
- (b) That the Draft Informal Planning Statement for Whinmoor Grange be approved for the purposes of a public consultation exercise which is to be undertaken over 4 a week period, with the findings being reported back to Executive Board.
- (c) That approval be given to the incurring of £309,579 expenditure on the construction of a 5 acre cemetery at Whinmoor (Cemetery Exts City Wide – Green Schemes, Scheme Number 1358).
- (d) That the proposal to move forward with a planning application for a cemetery at the former Elmete caravan park be noted.

DATE OF PUBLICATION: 11TH MARCH 2011

**LAST DATE FOR CALL IN
OF ELIGIBLE DECISIONS:** 18TH MARCH 2011 (5.00 P.M.)

(Scrutiny Support will notify Directors of any items called in by 12noon on 21st March 2011)